

**REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF IRVINGTON, NEW YORK HELD ON MONDAY DECEMBER 15, 2003 AT 7:00 P.M. VILLAGE HALL, 85 MAIN STREET, IRVINGTON, NEW YORK.**

Present: Dennis P. Flood, Mayor  
Garrard R. Beeney, Trustee  
Richard J. Livingston, Trustee  
Jonathan A. Siegel, Trustee  
Stephen A. McCabe, Village Administrator  
Donald P. Marra, Deputy Administrator  
Michael Cerone, Police Lieutenant  
Lino J. Sciarretta, Village Attorney's Office  
Lawrence S. Schopfer, Clerk-Treasurer  
Gregory R. Nilsson, Superintendent of Public Works

Mayor Flood called the meeting to order. Trustee Beeney made a motion for the Board to adjourn to executive session to take up legal and personnel matters. The motion was seconded by Trustee Livingston and unanimously approved.

Upon reconvening after executive session, the regular meeting was called to order by Mayor Flood who led the attendance in the pledge of allegiance to the flag of the United States of America.

Mayor Flood acknowledged the resignation of Trustee Peter Derby effective December 15, 2003. He then appointed Jonathan A. Siegel to serve as Trustee for a term expiring April 2004. Village Justice Lawrence Ecker administered the oath of office to Mr. Siegel.

Mayor Flood opened the floor to public comment on matters not contained on the agenda of the regular meeting. Robert Philipson commented on the appearance of the building under construction on the site owned by Bridge Street Properties. There were no further comments from those in attendance.

Trustee Livingston made a motion to adopt the minutes of the regular meeting of the Board of Trustees held December 1, 2003. Trustee Beeney seconded the motion and it was unanimously approved with Trustee Siegel abstaining from the vote.

Mayor Flood read communications from the Ambrose Monell Foundation regarding a grant award for the Westwood purchase; and New York State Office of Parks, Recreation & Historic Preservation regarding the listing of the McVickar House on the State Register of Historic Places. Former Trustee Peter Derby commented that the Irvington Historical Society had been awarded a Federal grant in the amount of \$199,000 under the Save Americas Treasures program. A copy of each piece of correspondence is attached hereto as a part of these minutes.

Mayor Flood presented certificates to James Ruffler and Anthony Tarricone of the Irvington Fire Department, Kevin Johnson representing the Irvington Police Benevolent Association, and John Dawson of the Irvington Volunteer Ambulance Corps in appreciation for their generous donations toward the construction of the September 11<sup>th</sup> memorial in Scenic Hudson Park.

Mayor Flood made the following student appointments to the Community Advisory Board:

Reshma Oomen	Immaculate Conception School
Molly Wolf	Immaculate Conception School

Trustee Livingston made a motion to adopt the following resolution declaring a public emergency in connection with the Irvington Senior Center:

**WHEREAS**, the Village of Irvington (the "Village") issued an invitation to submit bids for the Phase II Addition (the "Addition") to the Irvington Senior Center (the "Center") located at 29 Bridge Street, Irvington, New York (the "Project");

**WHEREAS**, Sullivan Architecture, P.C. (the "Architect") was the architect associated with the Project;

**WHEREAS**, Cygrec Contracting Corp., Hammond Electrical Contracting Corp., Northeast Automatic Sprinkler Co., Inc. and Keyspan Energy Solutions Inc. (collectively, the "Prime Contractors") were the successful bidders for the prime contracts associated with the Project;

**WHEREAS**, the Village entered into contracts with the Architect and the Prime Contractors for the completion of the Project;

**WHEREAS**, various problems with the Project has forced the closure of the Addition;

**WHEREAS**, the Addition cannot be used in its present state as a result of inadequate heat, the failed resilient tile floor system, fire protection issues, floor leveling and elevation issues and roofing issues, among other things;

**WHEREAS**, immediate remediation is required in order to use the Addition and to prevent further deterioration of the Addition;

**WHEREAS**, the Board of Trustees finds that the state of the Addition is a public emergency; and

**WHEREAS**, the Board of Trustees desires to retain contractors to complete the Project in order to resolve this public emergency;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees declares a public emergency with respect to the state of the Addition;

**BE IT FURTHER RESOLVED**, that because of this public emergency, immediate action is required and the completion of the Project cannot await competitive bidding;

**BE IT FURTHER RESOLVED**, that the Board of Trustees is authorized to retain contractors to complete the Project; and

**BE IT FURTHER RESOLVED**, that the Board of Trustees is authorized, empowered and directed to take any and all actions and to execute and deliver any and all instruments in order to effect the foregoing resolutions; and

**BE IT FURTHER RESOLVED**, that the Village Administrator and Clerk-Treasurer are authorized and empowered to execute any contracts necessary pursuant to this declaration.

Trustee Beeney seconded the motion and it was unanimously approved.

Mayor Flood outlined the proposed Police contract settlement between the Village and the Irvington Police Benevolent Association. The proposed settlement was for a 3-year contract effective June 1, 2003 to expire May 31, 2006 calling for annual raises of 3.5%, 4.0%, and 4.0% for the 3 years of the contract respectively. Trustee Livingston made a motion to approve the proposed settlement agreement and authorize Mayor Flood to execute the union contract after review and approval of Village counsel. Trustee Beeney seconded the motion and it was unanimously approved.

Mayor Flood presented a proposed certiorari settlement with Bert Trent Realty covering 7 years for property located at 50 South Buckhout Street. The settlement results in a refund of \$27,987.01 and calls for assessments in each year as follows:

<u>Year</u>	<u>Assessed Valuation</u>
1997	\$304,200
1998	\$269,300
1999	\$291,800
2000	\$280,400
2001	\$288,500
2002	\$262,500
2003	\$262,500

Trustee Beeney made a motion to approve the settlement as presented and to authorize the following transfer of funds to cover the cost of the refund:

From:	Contingency (1990-465)	\$27,987.01
To:	Certiorari (1964-462)	\$20,487.76 (prior years)
	Property Tax Revenue (1-1-1001)	\$7,499.25 (current year)

Trustee Livingston seconded the motion and it was unanimously approved.

Mayor Flood outlined a recent bid for cleaning services in certain Village buildings. After some discussion, Trustee Livingston made a motion to a award contract for cleaning to the low bidder, Edlin Enterprises of Pleasantville in the amount of \$38,893 based upon the estimates outlined in the bid documents. Trustee Beeney seconded the motion and it was unanimously approved.

Trustee Livingston reported on the activities of the Water Department including a water main break on Mountain Road. He also reported on the tunnel options presented to the G.U.A.R.D.

program group regarding the Tappan Zee Bridge replacement. He also thanked the Department of Public Works for their effort during the recent snowstorm.

Trustee Beeney discussed the history of the Westwood option and pending acquisition. He also reported on the various committees working pursuant to the recently adopted 2003 Comprehensive Plan. Trustee Beeney summarized his discussions with members of the Police Department regarding the renovations scheduled for Village Hall.

Mayor Flood thanked Trustee Beeney for all of his efforts relating to the preservation of the Westwood property.

Village Administrator Stephen McCabe provided an update on Parks & Recreation Department activities, including the activities relating to the Senior Citizens program.

Clerk-Treasurer Lawrence Schopfer requested approval of a filming permit for Wolf Films (Law & Order) at 9 Hudson Road East on Wednesday, December 17, 2003. Mr. Schopfer indicated that the permit fee of \$1,000 had been paid and the required insurance and hold harmless agreement had been submitted and approved by the Village's insurance carrier. Trustee Livingston made a motion to approve the filming permit as presented. Trustee Beeney seconded the motion and it was unanimously approved.

Trustee Beeney made a motion to adopt the following resolution:

**WHEREAS**, the Village has previously exercised an option to purchase approximately 14 acres of real property located in the Village of Irvington known as the Westwood property; and

**WHEREAS**, the closing on said property is scheduled for December 19, 2003,

**NOW, THEREFORE, BE IT RESOLVED** that Mayor Dennis P. Flood, Village Administrator Stephen McCabe, and Clerk-Treasurer Lawrence S. Schopfer are hereby authorized and empowered to execute all necessary documents and instruments and to take all action necessary and appropriate to effectuate the successful purchase of the Westwood property.

Trustee Livingston seconded the motion and it was unanimously approved.

Trustee Beeney made a motion for the Board to adjourn to executive session to take up legal and personnel matters. The motion was seconded by Trustee Siegel and unanimously approved.

Upon reconvening after executive session, upon a motion made by Trustee Beeney and seconded by Trustee Livingston, the following salary modification was made:

Name	Salary	Effective Date
Donald P. Marra	\$106,494	December 26, 2003

There being no further business the meeting was adjourned.

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Lawrence S. Schopfer, Clerk-Treasurer

Attachments